

REFERENCE TITLE: schools; transfer students; competency requirements

State of Arizona  
Senate  
Fifty-second Legislature  
Second Regular Session  
2016

# SB 1051

Introduced by  
Senator Quezada; Representative Andrade

AN ACT

AMENDING SECTIONS 15-701 AND 15-701.01, ARIZONA REVISED STATUTES; RELATING TO  
SCHOOL CURRICULA.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-701, Arizona Revised Statutes, is amended to  
3 read:

4 15-701. Common school; promotions; requirements; certificate;  
5 supervision of eighth grades by superintendent of  
6 high school district; high school admissions;  
7 academic credit; definition

8 A. The state board of education shall:

9 1. Prescribe a minimum course of study, as defined in section 15-101  
10 and incorporating the academic standards adopted by the state board of  
11 education, to be taught in the common schools.

12 2. Prescribe competency requirements for the promotion of pupils from  
13 the eighth grade and competency requirements for the promotion of pupils from  
14 the third grade incorporating the academic standards in at least the areas of  
15 reading, writing, mathematics, science and social studies. Notwithstanding  
16 section 15-521, paragraph 4, the competency requirements for the promotion of  
17 pupils from the third grade shall include the following:

18 (a) A requirement that a pupil not be promoted from the third grade if  
19 the pupil obtains a score on the reading portion of the Arizona instrument to  
20 measure standards test, or a successor test, that demonstrates that the  
21 pupil's reading falls far below the third grade level or the equivalent as  
22 established by the board. A pupil may not be retained if data regarding the  
23 pupil's performance on the Arizona instrument to measure standards test, or a  
24 successor test, is not available before the start of the following academic  
25 year. A pupil who is not retained due to the unavailability of test data  
26 must receive intervention and remedial strategies pursuant to subdivision (c)  
27 of this paragraph if the third grade assessment data subsequently  
28 demonstrates that the pupil's reading ability falls far below the third grade  
29 level or the equivalent.

30 (b) A mechanism to allow a school district governing board or the  
31 governing body of a charter school to promote a pupil from the third grade  
32 who obtains a score on the reading portion of the Arizona instrument to  
33 measure standards test, or a successor test, that demonstrates that the  
34 pupil's reading falls far below the third grade level for any of the  
35 following:

36 (i) A good cause exemption if the pupil is an English learner or a  
37 limited English proficient student as defined in section 15-751 and has had  
38 fewer than two years of English language instruction.

39 (ii) A pupil who is in the process of a special education referral or  
40 evaluation for placement in special education, ~~or~~ a pupil who has been  
41 diagnosed as having a significant reading impairment, including dyslexia, or  
42 a pupil who is a child with a disability as defined in section 15-761 if the  
43 pupil's individualized education program team and the pupil's parent or  
44 guardian agree that promotion is appropriate based on the pupil's  
45 individualized education program.

(c) Intervention and remedial strategies developed by the state board of education for pupils who are not promoted from the third grade. A school district governing board or the governing body of a charter school shall offer at least one of the intervention and remedial strategies developed by the state board of education. The parent or guardian of a pupil who is not promoted from the third grade and the pupil's teacher and principal may choose the most appropriate intervention and remedial strategies that will be provided to that pupil. The intervention and remedial strategies developed by the state board of education shall include:

(i) A requirement that the pupil be assigned to a different teacher for reading instruction.

(ii) Summer school reading instruction.

(iii) In the next academic year, intensive reading instruction that occurs before, during or after the regular school day, or any combination of before, during and after the regular school day.

(iv) Online reading instruction.

3. Provide for universal screening of pupils in preschool programs, kindergarten programs and grades one through three that is designed to identify pupils who have reading deficiencies pursuant to section 15-704.

4. Develop intervention and remedial strategies pursuant to paragraph 2, subdivision (c) of this subsection for pupils in kindergarten programs and grades one through three who are identified as having reading deficiencies pursuant to section 15-704.

5. Distribute guidelines for the school districts to follow in prescribing criteria for the promotion of pupils from grade to grade in the common schools. These guidelines shall include recommended procedures for ensuring that the cultural background of a pupil is taken into consideration when criteria for promotion are being applied.

B. School districts and charter schools shall provide annual written notification to parents of pupils in kindergarten programs and first, second and third grades that a pupil who obtains a score on the reading portion of the Arizona instrument to measure standards test, or a successor test, that demonstrates the pupil is reading far below the third grade level will not be promoted from the third grade. If the school has determined that the pupil is substantially deficient in reading before the end of grade three, the school district or charter school shall provide to the parent of that pupil a separate written notification of the reading deficiency that includes the following information:

1. A description of the current reading services provided to the pupil.

2. A description of the available supplemental instructional services and supporting programs that are designed to remediate reading deficiencies. Each school district or charter school shall offer at least one intervention strategy and at least one remedial strategy for pupils with reading deficiencies. The notification shall list the intervention and remedial

1 strategies offered and shall instruct the parent or guardian to choose the  
2 strategy that will be implemented for that child.

3 3. Parental strategies to assist the pupil to attain reading  
4 proficiency.

5 4. A statement that the pupil will not be promoted from the third  
6 grade if the pupil obtains a score on the reading portion of the Arizona  
7 instrument to measure standards test, or a successor test, that demonstrates  
8 the pupil is reading far below the third grade level, unless the pupil is  
9 exempt from mandatory retention in grade three or the pupil qualifies for an  
10 exemption pursuant to subsection A of this section.

11 5. A description of the school district or charter school policies on  
12 midyear promotion to a higher grade.

13 C. Pursuant to the guidelines that the state board of education  
14 distributes, the governing board of a school district shall:

15 1. Prescribe curricula that include the academic standards in the  
16 required subject areas pursuant to subsection A, paragraph 1 of this section.

17 2. Prescribe criteria for the promotion of pupils from grade to grade  
18 in the common schools in the school district. These criteria shall include  
19 accomplishment of the academic standards in at least reading, writing,  
20 mathematics, science and social studies, as determined by district  
21 assessment. Other criteria may include additional measures of academic  
22 achievement and attendance.

23 D. The governing board may prescribe the course of study and  
24 competency requirements for promotion that are in addition to or higher than  
25 the course of study and competency requirements the state board prescribes.

26 E. A teacher shall determine whether to promote or retain a pupil in  
27 grade in a common school as provided in section 15-521, paragraph 4 on the  
28 basis of the prescribed criteria. The governing board, if it reviews the  
29 decision of a teacher to promote or retain a pupil in grade in a common  
30 school as provided in section 15-342, paragraph 11, shall base its decision  
31 on the prescribed criteria.

32 F. A governing board may provide and issue certificates of promotion  
33 to pupils whom it promotes from the eighth grade of a common school. Such  
34 certificates shall be signed by the principal or superintendent of schools.  
35 Where there is no principal or superintendent of schools, the certificates  
36 shall be signed by the teacher of an eighth grade. The certificates shall  
37 admit the holders to any high school in the state.

38 G. Within any high school district or union high school district, the  
39 superintendent of the high school district shall supervise the work of the  
40 eighth grade of all schools employing no superintendent or principal.

41 H. A school district shall not deny a pupil who is between the ages of  
42 sixteen and twenty-one years admission to a high school because the pupil  
43 does not hold an eighth grade certificate. Governing boards shall establish  
44 procedures for determining the admissibility of pupils who are under sixteen  
45 years of age and who do not hold eighth grade certificates.

1 I. The state board of education shall adopt rules to allow common  
2 school pupils who can demonstrate competency in a particular academic course  
3 or subject to obtain academic credit for the course or subject without  
4 enrolling in the course or subject.

5 J. A school district may conduct a ceremony to honor pupils who have  
6 been promoted from the eighth grade.

7 K. IF A PUPIL TRANSFERS INTO A SCHOOL DISTRICT OR CHARTER SCHOOL AND  
8 SUBSEQUENTLY DOES NOT MEET THE COMPETENCY REQUIREMENTS FOR THE PROMOTION OF  
9 PUPILS FROM THE THIRD OR EIGHTH GRADE, THE SCHOOL, SCHOOL DISTRICT OR CHARTER  
10 SCHOOL INTO WHICH THE PUPIL TRANSFERRED IS NOT REQUIRED TO REPORT OR COUNT  
11 THAT PUPIL'S FAILURE TO BE PROMOTED UNLESS THE PUPIL CONTINUES TO NOT MEET  
12 THE COMPETENCY REQUIREMENTS FOR THE PROMOTION OF PUPILS FROM THE THIRD OR  
13 EIGHTH GRADE ONE YEAR AFTER THAT PUPIL ORIGINALLY FAILED TO MEET THE  
14 COMPETENCY REQUIREMENTS FOR PROMOTION.

15 ~~K.~~ L. For the purposes of this section, "dyslexia" means a  
16 brain-based learning difference that impairs a person's ability to read and  
17 spell, that is independent of intelligence and that typically causes a person  
18 to read at levels lower than expected.

19 Sec. 2. Section 15-701.01, Arizona Revised Statutes, is amended to  
20 read:

21 15-701.01. High school; graduation; requirements; community  
22 college or university courses; transfer from  
23 private schools; academic credit

24 A. The state board of education shall:

25 1. Prescribe a minimum course of study, as defined in section 15-101  
26 and incorporating the academic standards adopted by the state board of  
27 education, for the graduation of pupils from high school.

28 2. Prescribe competency requirements for the graduation of pupils from  
29 high school incorporating the academic standards in at least the areas of  
30 reading, writing, mathematics, science and social studies. The academic  
31 standards prescribed by the state board of education in social studies shall  
32 include personal finance. This paragraph does not allow the state board of  
33 education to establish a required separate personal finance course for the  
34 purpose of the graduation of pupils from high school. Beginning in the  
35 2016-2017 school year, the competency requirements for social studies shall  
36 include a requirement that, in order to graduate from high school or obtain a  
37 high school equivalency diploma, a pupil must correctly answer at least sixty  
38 of the one hundred questions listed on a test that is identical to the civics  
39 portion of the naturalization test used by the United States citizenship and  
40 immigration services. A district school or charter school shall document on  
41 the pupil's transcript that the pupil has passed a test that is identical to  
42 the civics portion of the naturalization test used by the United States  
43 citizenship and immigration services as required by this section.

1           3. Develop and adopt competency tests pursuant to section 15-741.  
2 English language learners who are subject to article 3.1 of this chapter are  
3 subject to the assessments prescribed in section 15-741.

4           B. The governing board of a school district shall:

5           1. Prescribe curricula that include the academic standards in the  
6 required subject areas pursuant to subsection A, paragraph 1 of this section.

7           2. Prescribe criteria for the graduation of pupils from the high  
8 schools in the school district. These criteria shall include accomplishment  
9 of the academic standards in at least reading, writing, mathematics, science  
10 and social studies, as determined by district assessment. Other criteria may  
11 include additional measures of academic achievement and attendance. Pursuant  
12 to the prescribed graduation requirements adopted by the state board of  
13 education, the governing board may approve a rigorous computer science course  
14 that would fulfill a mathematics course required for graduation from high  
15 school. The governing board may approve a rigorous computer science course  
16 only if the rigorous computer science course includes significant mathematics  
17 content and the governing board determines the high school where the rigorous  
18 computer science course is offered has sufficient capacity, infrastructure  
19 and qualified staff, including competent teachers of computer science. The  
20 school district governing board or charter school governing body may  
21 determine the method and manner in which to administer a test that is  
22 identical to the civics portion of the naturalization test used by the United  
23 States citizenship and immigration services. A pupil who does not obtain a  
24 passing score on the test that is identical to the civics portion of the  
25 naturalization test may retake the test until the pupil obtains a passing  
26 score.

27           C. The governing board may prescribe the course of study and  
28 competency requirements for the graduation of pupils from high school that  
29 are in addition to or higher than the course of study and competency  
30 requirements that the state board prescribes.

31           D. The governing board may prescribe competency requirements for the  
32 passage of pupils in courses that are required for graduation from high  
33 school.

34           E. A teacher shall determine whether to pass or fail a pupil in a  
35 course in high school as provided in section 15-521, paragraph 4 on the basis  
36 of the competency requirements, if any have been prescribed. The governing  
37 board, if it reviews the decision of a teacher to pass or fail a pupil in a  
38 course in high school as provided in section 15-342, paragraph 11, shall base  
39 its decision on the competency requirements, if any have been prescribed.

40           F. Graduation requirements established by the governing board may be  
41 met by a pupil who passes courses in the required or elective subjects at a  
42 community college or university, if the course is at a higher level than the  
43 course taught in the high school attended by the pupil or, if the course is  
44 not taught in the high school, the level of the course is equal to or higher  
45 than the level of a high school course. The governing board shall determine

1 if the subject matter of the community college or university course is  
2 appropriate to the specific requirement the pupil intends it to fulfill and  
3 if the level of the community college or university course is less than,  
4 equal to or higher than a high school course, and the governing board shall  
5 award one-half of a carnegie unit for each three semester hours of credit the  
6 pupil earns in an appropriate community college or university course. If a  
7 pupil is not satisfied with the decision of the governing board regarding the  
8 amount of credit granted or the subjects for which credit is granted, the  
9 pupil may request that the state board of education review the decision of  
10 the governing board, and the state board shall make the final determination  
11 of the amount of credit to be given the pupil and for which subjects. The  
12 governing board shall not limit the number of credits that is required for  
13 high school graduation and that may be met by taking community college or  
14 university courses. For the purposes of this subsection:

15 1. "Community college" means an educational institution that is  
16 operated by a community college district as defined in section 15-1401 or a  
17 postsecondary educational institution under the jurisdiction of an Indian  
18 tribe recognized by the United States department of the interior.

19 2. "University" means a university under the jurisdiction of the  
20 Arizona board of regents.

21 G. A pupil who transfers from a private school shall be provided with  
22 a list that indicates those credits that have been accepted and denied by the  
23 school district. A pupil may request to take an examination in each  
24 particular course in which credit has been denied. The school district shall  
25 accept the credit for each particular course in which the pupil takes an  
26 examination and receives a passing score on a test designed and evaluated by  
27 a teacher in the school district who teaches the subject matter on which the  
28 examination is based. In addition to the above requirements, the governing  
29 board of a school district may prescribe requirements for the acceptance of  
30 the credits of pupils who transfer from a private school.

31 H. If a pupil who was previously enrolled in a charter school or  
32 school district enrolls in a school district in this state, the school  
33 district shall accept credits earned by the pupil in courses or instructional  
34 programs at the charter school or school district. The governing board of a  
35 school district may adopt a policy concerning the application of transfer  
36 credits for the purpose of determining whether a credit earned by a pupil who  
37 was previously enrolled in a school district or charter school will be  
38 assigned as an elective or core credit.

39 I. A pupil who transfers credit from a charter school, A school  
40 district or Arizona online instruction shall be provided with a list that  
41 indicates which credits have been accepted as an elective credit and which  
42 credits have been accepted as a core credit by the school district or charter  
43 school. Within ten school days after receiving the list, a pupil may request  
44 to take an examination in each particular course in which core credit has  
45 been denied. The school district or charter school shall accept the credit

1 as a core credit for each particular course in which the pupil takes an  
2 examination and receives a passing score on a test, aligned to the competency  
3 requirements adopted pursuant to this section, designed and evaluated by a  
4 teacher in the school district or charter school who teaches the subject  
5 matter on which the examination is based. If a pupil is enrolled in a school  
6 district or charter school and that pupil also participates in Arizona online  
7 instruction between May 1 and July 31, the school district or charter school  
8 shall not require proof of payment as a condition of the school district or  
9 charter school accepting credits earned from the online course provider.

10 J. The state board of education shall adopt rules to allow high school  
11 pupils who can demonstrate competency in a particular academic course or  
12 subject to obtain academic credit for the course or subject without enrolling  
13 in the course or subject.

14 K. Pupils who earn a Grand Canyon diploma pursuant to article 6 of  
15 this chapter are exempt from the graduation requirements prescribed in this  
16 section. Pupils who earn a Grand Canyon diploma are entitled to all the  
17 rights and privileges of persons who graduate with a high school diploma  
18 issued pursuant to this section, including access to postsecondary  
19 scholarships and other forms of student financial aid and access to all forms  
20 of postsecondary education. Notwithstanding any other law, a pupil who is  
21 eligible for a Grand Canyon diploma may elect to remain in high school  
22 through grade twelve and shall not be prevented from enrolling at a high  
23 school after the pupil becomes eligible for a Grand Canyon diploma. A pupil  
24 who is eligible for a Grand Canyon diploma and who elects not to pursue one  
25 of the options prescribed in section 15-792.03 may only be readmitted to that  
26 high school or another high school in this state pursuant to policies adopted  
27 by the school district of readmission.

28 L. IF A PUPIL TRANSFERS INTO A SCHOOL DISTRICT OR CHARTER SCHOOL AND  
29 SUBSEQUENTLY DOES NOT MEET THE COMPETENCY REQUIREMENTS FOR THE GRADUATION OF  
30 PUPILS FROM HIGH SCHOOL, THE SCHOOL, SCHOOL DISTRICT OR CHARTER SCHOOL INTO  
31 WHICH THE PUPIL TRANSFERRED IS NOT REQUIRED TO REPORT OR COUNT THAT PUPIL'S  
32 FAILURE TO GRADUATE UNLESS THE PUPIL CONTINUES TO NOT MEET THE COMPETENCY  
33 REQUIREMENTS FOR THE GRADUATION OF PUPILS FROM HIGH SCHOOL ONE YEAR AFTER  
34 THAT PUPIL ORIGINALLY FAILED TO MEET THE GRADUATION REQUIREMENTS.